



P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dirk Herke

Serial No.: 10/809,941

Filed: March 24, 2004

For: CONTROL DEVICE

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) Examiner: A. Berhane

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) Art Unit: 2838

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) Date of Notice of

) Allowance: September 26, 2006

**Mail Stop Issue Fee**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to MAIL STOP ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 12, 2006.

By: Carol Prentice

Carol Prentice

**COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

Dear Sir:

Applicant has reviewed the Examiner's Statement of Reasons for Allowance, which accompanied the Notice of Allowance in the above-referenced patent application.

To the extent that the Examiner has paraphrased the claims rather than referring to the claim language itself, Applicant notes that it is the claim language and permissible equivalents thereof, and not the Examiner's characterization of the claims, which is intended to define the scope of the invention.

Moreover, Applicant respectfully submits that the allowability of the claims does not hinge on isolated elements


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thereof. Rather, the claims are believed to be patentable because, when viewed as a whole, they define subject matter that is neither anticipated by, nor obvious over, the prior art.

Respectfully submitted,

Date: December 12, 2006  
ATTORNEY DOCKET NO.: HOE-810



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